

Filed December 30, 2003

DECLARATION OF MARTIN FLEIT, REG. #16,900

I, Martin Fleit, hereby declare that

I am familiar with the file wrapper of Serial No. 10/748,839, and with the rejections made by the Examiner in charge of the prosecution of this file regarding the objection to the use of the symbol “#” as a designation of paper weight, and the rejection of claim 6 under 35 USC sec. 112, because the terms “57# kraft liner” and “33# flute” render the claim indefinite and vague. According to the Examiner, it is unclear what the numbers refer to, i.e. a trademark or a specific composition.

In a simple search on the Internet concerning the symbol “#”, I easily found a number of advertisements offering kraft paper for sale that all used the symbol “#” as an industry standard for paper weight. The advertisements are here attached as Exhibits 1 to 5. The websites viewed include:

[www.sterlingpaperconverting.com](http://www.sterlingpaperconverting.com)

[www.cascades.com](http://www.cascades.com)

[www.fast-pack.com](http://www.fast-pack.com)

[www.centralpack.com](http://www.centralpack.com)

[www.litinpaper.com](http://www.litinpaper.com)

Based on my research on the Internet, it is abundantly clear that the attached Exhibits 1 to 5 demonstrate unequivocally that the symbol “#” is a conventional symbol used in the kraft liner art to designate paper weight, and that this fact is well known to any person of ordinary skill in the art of kraft liner paper. Based on information and belief, it is further unequivocally clear that the use of the symbol “#” in the kraft liner art is definite and

unambiguous in a patent claim, and is in conformity with statutory requirements to distinctly claim and point out that aspect of the claimed invention to which it pertains.

Further, based on my research on the Internet and my information and belief, it is abundantly clear that the symbol “#” is neither a trademark nor a specific composition to a person of ordinary skill in the kraft liner art, but merely a conventional symbol used in the kraft liner art by persons of ordinary skill in the art for designating paper weight.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

*Martin Fleit*

MARTIN FLEIT

date: AUGUST 24, 2006

#### ATTACHMENTS AS EXHIBITS

- EXHIBIT 1 From website, 1 page, Sterling Paper, kraft paper
- EXHIBIT 2 From website, 1 page, Cascades, kraft paper
- EXHIBIT 3 From website, 2 pages, Fast-Pack, wholesale kraft paper
- EXHIBIT 4 From website, 2 pages, P & M Consolidator, Centralpack.com, kraft paper
- EXHIBIT 5 From website, 4 pages, Litin Paper Company, kraft paper

## EXHIBIT 1



### PRODUCTS

Builders Floor  
Cover

Butcher Wrap

Chipboard

Indented  
(Embossed) Paper

Kraft Paper

Masking Paper

Newsprint

Single Faced  
Corrugated

HOME

## \*Kraft Paper

- **Product Description:**  
Natural Kraft Paper comes in both Virgin and Recycled.
- **Sizes available:** Roll width - 2"- 60", Basis Weight: 25# - 100#
- **Potential applications**
  - Void Fill
  - Box Wrap
  - Interleaving
  - Picture Frame Backing
  - Table Cover
  - Masking
  - Floor Protection
  - Plant and Floral Wrap Wrapping
  - Neutral PH - For Glass & Aluminum
  - Flame Retardant - Temporary Welding Shield & Paint Booths



Kraft Paper Sheet



Kraft Paper Roll

[Products](#) \* [Services](#) \* [Company Info](#) \* [Contact Us](#) \* [Site Map](#)

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## EXHIBIT 2



Specialty Paper and Paperboard

### Kraft Paper

Kraft paper is manufactured at the Cascades East Angus mill. Both paper machines, one with 150 inches trim and the other with 120 inches, produce a wide variety of kraft paper products, from virgin and recycled fibres. The majority of our products are available in several basis weights from 23# to 70#.

The focus of Cascades East Angus is on specialty products such as the following kraft papers:

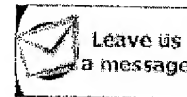
- extensible paper used as a base for fibreglass insulation
- paper with low porosity used for foil lamination
- butcher paper (red, peach or natural) used to wrap meat
- grease resistant paper used for food contact bags
- fire resistant paper used for electric cable insulation and filtration media
- interleaving paper used in the stainless steel and glass industries
- smooth finish paper used for coating, polycoating, lamination, waxing and gumming
- green paper used for paint masking
- fine recycled paper used for envelopes
- extensible waxed paper used for twine
- controlled sizing paper used for the impregnation of chemical products
- wet strength paper used for potato bags

Cascades East Angus also produces commodity products usually used for grocery bags, shopping bags, take-out food bags, multi-wall bags, counter rolls and other wrapping products.

### EXHIBIT 3



**Fast-Pack.com**



[Home](#)  
[All Products](#)  
[Bubble Envelopes](#)  
[Colored Bubble Env.](#)  
[White Vinyl Bubble Env.](#)  
[Bubble Wrap®](#)  
[Colored Bubble Wrap®](#)  
[Anti-Static Bubble](#)  
[B Flute Corrugated Rolls](#)  
[Boxes](#)  
[Box Spray Paint](#)  
[Packing Peanuts](#)  
[Carton Sealing Tape](#)  
[Colored Packing Tape](#)  
[Assorted Labels](#)  
[Kraft Paper](#)  
[Mailing Tubes](#)  
[Batteries](#)  
[Packing List Envelopes](#)  
[Tissue Paper](#)  
[Foam Rolls](#)  
[Bubble Bags](#)  
[Printer Ink Cartridges](#)  
[More Products](#)  
[Print Order Form](#)



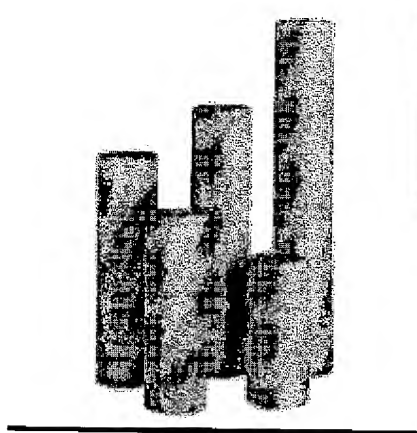
[Newsletter](#)  
[Contact Us](#)

[Testimonials](#)

[Tell a Friend](#)

**Order Toll Free 1-866-971-7201**

## Kraft Paper



Kraft paper is used to wrap glass products, and a variety of other products. It offers very good protection and cushioning during shipping. Kraft paper is also an excellent void filler.

Size	Price Per Roll	Shipping / Handling Ships via UPS <small>HI &amp; AK Email for Quote</small>	Make Visa, Master Card or PayPal Payment Need Help?
765'x12" 40# Kraft Paper Roll	\$19.60	\$8.05	ADD TO CART
765'x24" 40# Kraft Paper Roll	\$29.61	\$14.01	ADD TO CART
765'x36" 40# Kraft Paper Roll	\$39.40	\$15.82	ADD TO CART
765'x48" 40#		Weights 50	E-mail for Shipping Quote -

<b>Kraft Paper Roll</b>	<b>\$51.88</b>	<b>Lbs</b>	Please Include Zip Code shipping to.
<b>765'x60" 40# Kraft Paper Roll</b>	<b>\$61.69</b>	<b>Weights 63 Lbs</b>	<b>E-mail for Shipping Quote -</b> Please include Zip Code shipping to.

This product ships via UPS ONLY. AK & HI must email us for a quote on shipping.  
No international shipping at the current time

**Contact us if you should have any questions! [Fast@Fast-Pack.com](mailto:Fast@Fast-Pack.com)**

***Hold Ctrl & D To Bookmark this page!***

***Don't see what you need? Contact us!***

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## EXHIBIT 4



[Sign In](#)

**Your Basket**

Empty

**AIR BUBBLE**

**BAGS**

**BOXES**

**CUSTOM ITEMS**

**FOAM**

**FULLFILLMENT**

**LOOSE FILL**

**MAILERS**

**MOVING ITEMS**

**PAPERS**

[Bogus Kraft Paper](#)  
[Butcher Paper](#)  
[Cutters](#)  
[Freezer Paper](#)  
[Geami Paper](#)  
[Indented Kraft](#)  
[Kim Pak Wadding](#)  
[Kraft Paper](#)  
[Newsprint](#)  
[Poly Coated Kraft](#)  
[Singleface Corrugated](#)  
[Tissue Papers](#)  
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**PRINTING DEPT**

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**STRETCH FILM**

**SHRINK FILM**

**TAPES**

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- [Freight Information](#)
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- [\\*Best Way Freight](#)



Custom Boxes

Stock Boxes

Colored Box

In addition to our 10,000 in-stock items, we are a leader in custom packaging



#### CentralPack's Kraft Paper Rolls & Sheets

- Excellent for wrapping, layering and a natural void fill.
- Bio-degradable and easily recyclable.
- Made From 100% Recycled Fibers.
- Available in sheets and rolls.
- Rolls fit CentralPack paper cutters.
- Available in 30#, 40#, 50#, 60#, and 75# paper basis weights

*Kraft paper sheets are listed on the bottom of this page.*

*For skid quantity pricing please call (888) 654-5354.*

### Kraft Paper

#### Code Name

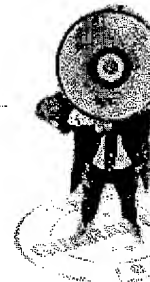
35946	12" x 1320' / 30# Kraft Paper Roll / \$11.25 per roll
35951	18" x 1320' / 30# Kraft Paper Roll / \$16.90 per roll
35956	24" x 1320' / 30# Kraft Paper Roll / \$19.18 per roll
35961	30" x 1320' / 30# Kraft Paper Roll / \$26.50 per roll
35966	36" x 1320' / 30# Kraft Paper Roll / \$27.95 per roll
35971	40" x 1320' / 30# Kraft Paper Roll / \$38.95 per roll
35976	48" x 1320' / 30# Kraft Paper Roll / \$43.20 per roll
35981	12" x 1000' / 40# Kraft Paper Roll / \$8.70 per roll
35986	15" x 1000' / 40# Kraft Paper Roll / \$12.90 per roll
35991	18" x 1000' / 40# Kraft Paper Roll / \$12.90 per roll
35996	20" x 1000' / 40# Kraft Paper Roll / \$14.95 per roll
36001	24" x 1000' / 40# Kraft Paper Roll / \$16.95 per roll
36006	30" x 1000' / 40# Kraft Paper Roll / \$21.80 per roll
36011	36" x 1000' / 40# Kraft Paper Roll / \$25.95 per roll
36016	40" x 1000' / 40# Kraft Paper Roll / \$33.90 per roll
36021	48" x 1000' / 40# Kraft Paper Roll / \$32.45 per roll

- [Check Order Status](#)
- [View Past Orders](#)

<del>36026</del>	<b>12" x 800'</b> / 50# Kraft Paper Roll / \$9.90 per roll
<del>36031</del>	<b>15" x 800'</b> / 50# Kraft Paper Roll / \$12.30 per roll
<del>36036</del>	<b>18" x 800'</b> / 50# Kraft Paper Roll / \$12.95 per roll
<del>36041</del>	<b>20" x 800'</b> / 50# Kraft Paper Roll / \$15.60 per roll
<del>36046</del>	<b>24" x 800'</b> / 50# Kraft Paper Roll / \$17.95 per roll
<del>36051</del>	<b>30" x 800'</b> / 50# Kraft Paper Roll / \$21.85 per roll
<del>36056</del>	<b>36" x 800'</b> / 50# Kraft Paper Roll / \$26.95 per roll
<del>36061</del>	<b>40" x 800'</b> / 50# Kraft Paper Roll / \$30.20 per roll
<del>36066</del>	<b>48" x 800'</b> / 50# Kraft Paper Roll / \$29.95 per roll
<del>36071</del>	<b>60" x 800'</b> / 50# Kraft Paper Roll / \$48.20 per roll
<del>36076</del>	<b>12" x 675'</b> / 60# Kraft Paper Roll / \$8.95 per roll
<del>36081</del>	<b>18" x 675'</b> / 60# Kraft Paper Roll / \$13.40 per roll
<del>36086</del>	<b>24" x 675'</b> / 60# Kraft Paper Roll / \$13.90 per roll
<del>36091</del>	<b>30" x 675'</b> / 60# Kraft Paper Roll / \$20.95 per roll
<del>36096</del>	<b>36" x 675'</b> / 60# Kraft Paper Roll / \$25.90 per roll
<del>36101</del>	<b>40" x 675'</b> / 60# Kraft Paper Roll / \$28.60 per roll
<del>36106</del>	<b>48" x 675'</b> / 60# Kraft Paper Roll / \$33.20 per roll
<del>36161</del>	<b>24 x 36"</b> / 30# Kraft Paper Sheets / 850 Sheets / \$37.99 per pack
<del>36166</del>	<b>24 x 36"</b> / 40# Kraft Paper Sheets / 650 Sheets / \$31.99 per pack
<del>36171</del>	<b>24 x 36"</b> / 50# Kraft Paper Sheets / 500 Sheets / \$30.90 per pack
<del>36176</del>	<b>30 x 40"</b> / 40# Kraft Paper Sheets / 450 Sheets / \$30.95 per pack
<del>36181</del>	<b>30 x 40"</b> / 50# Kraft Paper Sheets / 365 Sheets / \$29.95 per pack

### THE CENTRALPACK.COM ANSWER:

- ✓ 1 PRICE PROGRAM, NO ARTIFICIAL PRICE TIERS
- ✓ FAST, FRIENDLY, KNOWLEDGABLE CUSTOMER SERVICE
- ✓ LOWEST PRICES WITH NO MINIMUMS, EVERYDAY



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Customer Service Line (888) 654-5354 or at [customerservice@centralpack.com](mailto:customerservice@centralpack.com)



## EXHIBIT 5

# Litin Paper Company

Full Catalog

Wrapping Paper- Bleached, Natural, Recycled



## Items 1 to 50 (of 147)

## Cushioning & Protective Packaging - Wrapping Paper- Bleached, Natural, Recycled




























Advanced Search

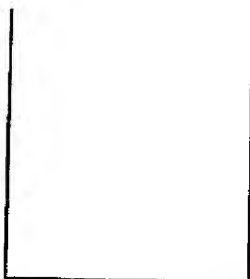
Home

Quote Request

ITEM NUMBER ▲	DESCRIPTION	COLOR PACK	UOM	
IBW144018	Bottom Wrap, 14", 40#, 18" Diameter, 3" Core	Kraft 1 Plt	LB	
IKS301224	Kraft Sheet, 12x24, 30#, Recycled	Natural 25 LB/BD	BDL	
IKS301230	Kraft Sheet, 12x30, 30#	Natural 1 BD	BDL	
IKS401212	Kraft Sheet, 12x12, 40#, Recycled	Natural 1000 EA/CS	M	
IKS401214	Kraft Sheet, 12x14, 40#, Recycled, 500/Bdl	Natural 500 EA/BD	M	
IKS401518	Kraft Sheet, 15x18, 40#, Recycled	Natural 500 EA/BD	M	
IKS402436	Kraft Sheet, 24x36, 40#, Recycled	Natural 500 EA/BD	BDL	
IKS501111	Kraft Sheet, 11x11, 50#, Recycled	Natural 500 EA/BD	M	
IKS501419	Kraft Sheet, 14x19, 50#, Recycled	Natural 1000 EA/CS	M	
IKS501824	Kraft Sheet, 18x24, 50#, Virgin	Natural 1 CS	M	

<a href="#">IKS502436</a>	Kraft Sheet, 24x36, 50#, Recycled	Natural 50 LB/BD	BDL	
<a href="#">IKS601212LB</a>	Kraft Sheet, 12x12, 60#, Recycled	Natural 1 LB	LB	
<a href="#">IKS602424L</a>	Kraft Sheet, 24x24, 60#, Recycled	Natural 1 LB	LB	
<a href="#">INK02509</a>	Kraft Paper, 2", 50#, Virgin	Natural 1 RL	RL	
<a href="#">INK025509</a>	Kraft Paper, 2-1/2", 50#, Virgin	Natural 1 RL	RL	
<a href="#">INK03509</a>	Kraft Paper, 3", 50#, Virgin	Natural 1 RL	RL	
<a href="#">INK04509</a>	Kraft Paper, 4", 50#, Virgin	Natural 1 RL	RL	
<a href="#">INK05509</a>	Kraft Paper, 5", 50#, Virgin	Natural 1 RL	RL	
<a href="#">INK06309</a>	Kraft Paper, 6", 30#, Virgin	Natural 1 RL	RL	
<a href="#">INK06509</a>	Kraft Paper, 6", 50#, Virgin	Natural 1 RL	RL	
<a href="#">INK08509</a>	Kraft Paper, 8", 50#, Virgin	Natural 1 RL	RL	
<a href="#">INK09309</a>	Kraft Paper, 9", 30#, Virgin	Natural 1 RL	RL	
<a href="#">INK10309</a>	Kraft Paper, 10", 30#, Virgin	Natural 1 RL	RL	
<a href="#">INK10509</a>	Kraft Paper, 10", 50#, Virgin	Natural 1 RL	RL	
<a href="#">INK12309</a>	Kraft Paper, 12", 30#, Virgin	Natural 1 RL	RL	
<a href="#">INK12409</a>	Kraft Paper, 12", 40#, Virgin	Natural 1 RL	RL	
<a href="#">INK12509</a>	Kraft Paper, 12", 50#, Virgin	Natural 1 RL	RL	
<a href="#">INK12609</a>	Kraft Paper, 12", 60#, Virgin	Natural 1 RL	RL	
<a href="#">INK15409</a>	Kraft Paper, 15", 40#, Virgin	Natural 1 RL	RL	

<u>INK16509</u>	Kraft Paper, 16", 50#, Virgin	Natural 1 RL	RL	
<u>INK16915</u>	Kraft Paper, 16", 90#, Virgin, 15" OD	Natural 1 LB	LB	
<u>INK18309</u>	Kraft Paper, 18", 30#, Virgin	Natural 1 RL	RL	
<u>INK18409</u>	Kraft Paper, 18", 40#, Virgin	Natural 1 RL	RL	
<u>INK18509</u>	Kraft Paper, 18", 50#, Virgin	Natural 1 RL	RL	
<u>INK18609</u>	Kraft Paper, 18", 60#, Virgin	Natural 1 RL	RL	
<u>INK20409</u>	Kraft Paper, 20", 40#, Virgin	Natural 1 RL	RL	
<u>INK24309</u>	Kraft Paper, 24", 30#, Virgin	Natural 1 RL	RL	
<u>INK24409</u>	Kraft Paper, 24", 40#, Virgin	Natural 1 RL	RL	
<u>INK24509</u>	Kraft Paper, 24", 50#, Virgin	Natural 1 RL	RL	
<u>INK24609</u>	Kraft Paper, 24", 60#, Virgin	Natural 1 RL	RL	
<u>INK24709</u>	Kraft Paper, 24", 70#, Virgin	Natural 1 RL	RL	
<u>INK30309</u>	Kraft Paper, 30", 30#, Virgin	Natural 1 RL	RL	
<u>INK30409</u>	Kraft Paper, 30", 40#, Virgin	Natural 1 RL	RL	
<u>INK30509</u>	Kraft Paper, 30", 50#, Virgin	Natural 1 RL	RL	
<u>INK30609</u>	Kraft Paper, 30", 60#, Virgin	Natural 1 RL	RL	
<u>INK36309</u>	Kraft Paper, 36", 30#, Virgin	Natural 1 RL	RL	
<u>INK36409</u>	Kraft Paper, 36", 40#, Virgin	Natural 1 RL	RL	
<u>INK36509</u>	Kraft Paper, 36", 50#, Virgin	Natural 1 RL	RL	



INK36609

Kraft Paper, 36", 60#,  
Virgin

Natural  
1 RL

RL



INK36709

Kraft Paper, 36", 70#,  
Virgin

Natural  
1 RL

RL



1-2-3-Next

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